



7020-02

## **INTERNATIONAL TRADE COMMISSION**

**[Investigation No. 337-TA-1177]**

### **Certain Semiconductor Devices, Products Containing the Same, and Components Thereof**

#### **(II); Institution of Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 26, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Globalfoundries U.S. Inc. of Santa Clara, California. Supplements were filed on September 12, 2019 and September 16, 2019. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain semiconductor devices, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,823,178 (“the ’178 patent”); U.S. Patent No. 9,105,643 (“the ’643 patent”); U.S. Patent No. 7,378,357 (“the ’357 patent”); and U.S. Patent No. 9,082,877 (“the ’877 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information

on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**SUPPLEMENTARY INFORMATION:**

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2019).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on September 25, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1-5 of the '178 patent; claims 1-12 of the '643 patent; claims 1-17 of the '357 patent; and claims 1-14 of the '877 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "(a) TSMC semiconductor devices manufactured at the 16 nanometer (nm) and smaller technology nodes; (b) products containing such TSMC-manufactured 16 nm and smaller semiconductor devices, consisting of smartphones, tablets, computers, wearable devices, set top boxes, and switches (consisting of standalone switches and switches that are incorporated into routers); and (c) components thereof, consisting of integrated circuits and graphics cards containing such semiconductor devices;"

(3) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Globalfoundries U.S. Inc.

2600 Great America Way

Santa Clara, CA 95054

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Taiwan Semiconductor Manufacturing Co., Ltd.

No. 8, Li-Hsin Road VI, Hsinchu Science Park

Hsinchu 300-78, Taiwan

TSMC North America

2851 Junction Avenue

San Jose, CA 95134

TSMC Technology, Inc.

2851 Junction Avenue

San Jose, CA 95134

Broadcom Inc.

1320 Ridder Park Drive

San Jose, CA 95131

Broadcom Corporation

1320 Ridder Park Drive

San Jose, CA 95131

NVIDIA Corporation

2788 San Tomas Expressway

Santa Clara, CA 95051

Apple Inc.

One Apple Park Way

Cupertino, CA 95014

Arista Networks, Inc.

5453 Great America Parkway

Santa Clara, CA 95054

ASUSTeK Computer Inc.

No. 15, Li-Te Rd.

Beitou District

Taipei 112, Taiwan

Cisco Systems, Inc.

170 West Tasman Drive

San Jose, CA 95134

Lenovo Group Ltd.

Shangdi Information Industry Base

No. 6 Chuang ye Road, Haidian District

Beijing 100085, China

(c) The Office of Unfair Import Investigations, U.S. International Trade  
Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 26, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

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